

AMENDED IN SENATE JUNE 26, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 768

Introduced by Assembly Member Leno

February 19, 2003

An act to amend Section 16 of, ~~and~~ to add Sections 4.5 and 9.5 to, *and to repeal and add Section 2 of*, Chapter 464 of the Statutes of 2002, relating to the Hunters Point Shipyard.

LEGISLATIVE COUNSEL'S DIGEST

AB 768, as amended, Leno. Hunters Point Shipyard Public Trust Exchange Act.

The Hunters Point Shipyard Conversion Act of 2002 grants to, and vests in, the San Francisco Redevelopment Agency, all of the state's right, title, and interest in the Hunters Point trust lands, and, upon conveyance by the federal government to the agency, in appurtenances located on Hunters Point submerged lands, subject to the public trust and the terms and conditions of the act. Existing law authorizes the agency to use, conduct, operate, maintain, manage, administer, regulate, improve, lease, and control the Hunters Point trust lands in conformance with the act and the public trust.

This bill would approve an exchange of public trust lands within the Hunters Point Shipyard, whereby certain trust lands that meet specified criteria and are not now useful for public trust purposes will be freed from the public trust and may be conveyed into private ownership, and certain other lands that are not now public trust lands and that are useful

for public trust purposes will be made subject to the public trust. The bill would ~~make related changes~~ *revise the description of the Hunters Point Shipyard and Hunters Point submerged lands in the Hunters Point Shipyard Conversion Act of 2002 and make related changes in that act.*

The bill would declare that, due to the unique circumstances pertaining to the trust lands described in the bill, relating to the transfer of the Hunters Point Shipyard out of federal ownership, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Hunters Point Shipyard Public Trust Exchange Act.

3 SEC. 2. The following definitions apply for purposes of this
4 act:

5 (a) “Agency” means the San Francisco Redevelopment
6 Agency, or any successor redevelopment agency with jurisdiction
7 over the shipyard.

8 (b) “City” means the City and County of San Francisco.

9 (c) “Commission” means the California State Lands
10 Commission.

11 (d) “Conversion act” means the Hunters Point Shipyard
12 Conversion Act of 2002 (Ch. 464, Stats. 2002).

13 (e) “Hillside open space” means that area of land so designated
14 as depicted in the diagram in Section 10 of this act.

15 (f) “Hunters Point Shipyard” or “shipyard” means all that real
16 property situated in the City and County of San Francisco, State
17 of California and more particularly described in Subdivision (h)
18 of Section 2 of the conversion act.

19 (g) “Hunters Point trust lands” means all lands, including tide
20 and submerged lands, within the redevelopment area that are
21 presently, or upon conveyance out of federal ownership will be,
22 subject to the public trust.

23 (h) “Public trust” or “trust” means the public trust for
24 commerce, navigation, and fisheries.



(i) “Redevelopment area” means the project area described in the redevelopment plan, consisting of the Hunters Point Shipyard and the Hunters Point submerged lands.

(j) “Redevelopment plan” means the Hunters Point Shipyard Redevelopment Plan adopted by the agency under ~~to~~ Chapter 4.5 (commencing with Section 33492) of Part 1 of Division 24 of the Health and Safety Code.

(k) “Trustee” means the agency and any successor in interest to the agency’s authority as trust administrator over some or all of the Hunters Point trust lands.

SEC. 3. The Legislature finds and declares all of the following:

(a) The purpose of this act is to facilitate the productive reuse of the lands comprising the former Hunters Point Shipyard in a manner that will further the purposes of the public trust for commerce, navigation, and fisheries. To effectuate this purpose, this act approves and authorizes the commission to carry out an exchange of lands under which certain nontrust lands within the shipyard with substantial value for the public trust would be placed into the public trust, and certain other lands within the shipyard presently subject to the public trust, but no longer useful for trust purposes would be freed from trust restrictions.

(b) The shipyard includes lands that were historically tide and submerged lands (referred to in this act as “tidelands,” unless specified otherwise) subject to the public trust, as well as historic uplands that were not subject to the trust. Beginning in 1861, certain of the site’s tidelands were conveyed into private ownership by the state pursuant to various state statutes. Portions of those lands were subsequently filled and reclaimed. The trust status of the reclaimed tidelands is uncertain. Due to differences in the various statutes authorizing the conveyance of the tidelands into private ownership, as well as other historical circumstances, some of the reclaimed tidelands, including lands located well inland from the current shoreline, have remained subject to the public trust, while other reclaimed tidelands, including most of the lands adjacent to the shoreline, may have been freed from the trust. In addition, a portion of the lands that are subject to the trust consist of mapped streets that were never built, forming a grid pattern that is not consistent with any existing or planned street system for the lands, and these lands are no longer useful for trust purposes.



1 (c) In 1939, the United States began acquiring lands for
2 purposes of constructing and operating what came to be known as
3 the Hunters Point Shipyard. The shipyard was used primarily as a
4 Navy industrial operation for the modification, maintenance, and
5 repair of ships. The shipyard was closed in 1974, but continued to
6 be used for ship docking and repair activities. Portions were also
7 leased to several small businesses, artisans, and others.

8 (d) Pursuant to the authority provided by Section 2824(a) of the
9 National Defense Authorization Act for fiscal year 1991, as
10 amended by Section 2834 of the National Defense Authorization
11 Act for fiscal year 1994, the Navy has the authority under federal
12 law to convey the property to the city or to a local reuse authority
13 approved by the city. The agency is the approved local reuse
14 authority for the shipyard. The Navy is presently in negotiations
15 with the city and the agency for the transfer of the property, or
16 portions thereof, to the agency.

17 (e) In 1997, in anticipation of the transfer, the agency and the
18 city adopted the redevelopment plan. To promote the economic
19 development and revitalization of the shipyard, the redevelopment
20 plan provides for a diversity of uses, including public parks,
21 walkways, and habitat areas, and cultural, educational, maritime,
22 industrial, residential, and mixed uses.

23 (f) All former and existing tidelands within the shipyard over
24 which the public trust has not been terminated are subject to the
25 public trust upon their transfer from federal ownership. In
26 anticipation of the transfer of the shipyard to the agency, the
27 Legislature enacted the conversion act, which grants in trust to the
28 agency the state's sovereign interest in certain lands within and
29 adjacent to the shipyard and establishes the agency as the trust
30 administrator for those lands.

31 (g) The existing configuration of trust and nontrust lands
32 within the shipyard is such that the purposes of the public trust
33 cannot be fully realized. A substantial portion of the reclaimed
34 trust lands are interior lands that have been cut off from access to
35 navigable waters, or are laid out in a grid pattern that is not useful
36 to the trust. Most of these lands are no longer needed or required
37 for the promotion of the public trust. Other lands within the
38 shipyard directly adjacent to the waterfront or otherwise of high
39 value to the public trust are currently not subject to the public trust.
40 Absent a trust exchange, substantial portions of the lands within

1 the shipyard that are located along the waterfront or are otherwise
2 of high value to the public trust would be free of the public trust,
3 would not be required to be put to uses consistent with the public
4 trust, and could be cut off from public access. In addition, certain
5 interior lands not useful for trust purposes would be restricted to
6 trust-consistent uses and could not be used for residential or other
7 nontrust uses essential for the financial feasibility of the
8 redevelopment plan and the realization of the public purposes set
9 forth in the plan.

10 (h) A trust exchange resulting in the configuration of trust lands
11 substantially similar to that depicted on the diagram in Section 10
12 of this act maximizes the overall benefits to the trust, without
13 interfering with trust uses or purposes. Following the exchange, all
14 lands within the shipyard adjacent to the waterfront, as well as
15 certain interior lands that have high trust values, will be subject to
16 the public trust. The lands that will be removed from the trust
17 pursuant to the exchange have been cut off from navigable waters
18 and are no longer needed or required for the promotion of the
19 public trust. The lands to be freed of the public trust constitute a
20 relatively small portion of the lands granted to the city. This act
21 requires that the commission ensure that the lands added to the
22 trust pursuant to the exchange are of equal or greater value than the
23 lands taken out of the trust.

24 (i) Several historic buildings in the shipyard have been
25 identified by the State Historic Preservation Officer as
26 contributors to the Hunters Point Commercial Drydock Historic
27 District. These contributor buildings convey a sense of the
28 shipyard's early maritime history, enhance the open space
29 experience along the waterfront, and should be preserved and
30 restored. Uses of the contributor buildings that support their
31 preservation and restoration, but which are not otherwise
32 consistent with the trust, may be authorized under certain
33 conditions set forth in this act.

34 (j) The area designated hillside open space provides substantial
35 value to the trust as an open space and recreational resource
36 affording exceptional views of San Francisco Bay and the shipyard
37 waterfront. To protect the trust value of the hillside open space
38 area, it is important that all of the following occur:

39 (1) Public access between the area and the waterfront is
40 maintained.

1 (2) Public views of the bay are protected against interference
2 from downslope development.

3 (3) Vehicular and pedestrian access is provided directly from
4 the lower portions of the shipyard to the top of the hillside open
5 space and from the other parts of the City and County of San
6 Francisco to the top of the hillside open space.

7 (4) Adequate public parking for regional use of the hillside
8 open space is provided at the top, and adjacent to the lower portion
9 of the hillside open space.

10 (k) This legislation advances the purposes of the Community
11 Redevelopment Law (Part 1 (commencing with Section 33000) of
12 Division 24 of the Health and Safety Code) and the public trust,
13 and is in the best interests of the people of this state.

14 SEC. 4. The Legislature hereby approves an exchange of
15 public trust lands within the shipyard, whereby certain Hunters
16 Point trust lands that meet the criteria set forth in this act and
17 therefore are not now useful for public trust purposes will be freed
18 from the public trust and may be conveyed into private ownership,
19 and certain other lands that are not now public trust lands and that
20 are useful for public trust purposes will be made subject to the
21 ~~public trust, provided the exchange results in a configuration of~~
22 ~~trust lands substantially similar to that shown on the diagram in~~
23 ~~Section 10 of this act and otherwise complies with the~~
24 ~~requirements of this act. The exchange is consistent with and~~
25 ~~further the purposes of the public trust and the conversion act.~~
26 *public trust, provided all of the following conditions are met:*

27 (a) *The exchange results in a configuration of trust lands*
28 *substantially similar to that shown on the diagram in Section 10*
29 *of this act.*

30 (b) *The lands to be subject to the public trust are configured so*
31 *as to be accessible from the streets as finally configured in the*
32 *redevelopment area.*

33 (c) *The exchange otherwise complies with the requirements of*
34 *this act.*

35 (d) *The exchange is consistent with and furthers the purposes*
36 *of the public trust and the conversion act.*

37 SEC. 5. All lands exchanged into the trust under this act shall
38 be held by the trustee subject to the public trust and the
39 requirements of the conversion act, and all lands exchanged out of



the trust under this section shall be free of the public trust and the requirements of the conversion act.

SEC. 6. The precise boundaries of the lands to be taken out of the trust and the lands to be put into the trust pursuant to the exchange shall be determined by the trustee, subject to the approval of the commission. The commission is authorized to settle by agreement with the trustee and the city any disputes as to the location of the mean high tide line in its last natural state, the boundaries of tidelands conveyed into private ownership pursuant to various statutes, and any other boundary lines which the commission deems necessary to effectuate the exchange.

SEC. 7. (a) The commission is authorized to approve an exchange of public trust lands within the shipyard that meets the requirements of this act. Pursuant to this authority, the commission shall establish appropriate procedures for effectuating the exchange. The procedures shall include provisions for ensuring that lands are not exchanged into the trust until all remedial action necessary to protect human health and the environment with respect to the hazardous substances on the land has been completed as determined by the United States Environmental Protection Agency, the California Department of Toxics Substances Control, and the Regional Water Quality Control Board, pursuant to the Federal Facilities Agreement for the shipyard dated January 22, 1992, as amended, and the United States has provided a warranty in accordance with Section 9620(h)(3)(A) of Title 42 of the United States Code, or the United States has obtained a warranty deferral, approved by the Governor in accordance with Section 9620(h)(3)(C) of Title 42 of the United States Code, involving land for which the commission has determined to execute a certificate of acceptance of title. The commission may also establish procedures for completing the exchange in phases. The procedures, if established, shall ensure that, after each phase, the cumulative value of lands exchanged into the trust is equal to or greater than the cumulative value of lands exchanged out of the trust, and that the lands exchanged into the trust at each phase are configured in a way that furthers the purposes of the overall exchange, *including, but not limited to, having access to streets as finally configured for the redevelopment area.*

(b) The commission may not approve the exchange of any trust lands unless it finds all of the following:

(1) The configuration of trust lands within the shipyard upon completion of the exchange will not differ significantly from the configuration shown on the diagram in Section 10 of this act, and includes all lands within the shipyard that are presently below mean high tide and consists of lands suitable to be impressed with the public trust.

(2) The final layout of streets in the redevelopment area will provide access to the public trust lands and be consistent with the beneficial use of the public trust lands.

(3) With respect to the trust exchange as finally configured and phased, the value of the lands to be exchanged into the trust is equal to or greater than the value of the lands to be exchanged out of the trust. The commission may take into consideration the degree of uncertainty, if any, as to whether the lands remain subject to the trust or have been freed from the trust.

~~(3)~~

(4) The lands to be taken out of the trust have been filled and reclaimed, are cut off from access to navigable waters, are no longer needed or required for the promotion of the public trust, and constitute a relatively small portion of the lands originally granted to the city, and that the exchange will not result in substantial interference with trust uses and purposes.

~~(4)~~

(5) The trustee has approved the exchange.

(c) The commission shall impose additional conditions on the exchange authorized by this act if the commission determines that these conditions are necessary for the protection of the public trust. At a minimum, the commission shall establish conditions to ensure all of the following:

(1) The streets and other transportation facilities located on trust lands are designed to be compatible with the public trust.

(2) The trust values of the hillside open space are preserved. To this end, the commission shall ensure all of the following:

(A) The final trust configuration maintains reasonable public pedestrian and vehicular access between the hillside open space and the waterfront, and in addition, between the top of the hillside open space and other areas of the City and County of San Francisco.

(B) Public views of the San Francisco Bay from the hillside open space are maintained and protected against material

1 interference from downslope development, through height
2 limitations or other appropriate restrictions.

3 (C) Direct vehicular and pedestrian access from the lower
4 portions of the shipyard to the top of the hillside open space area
5 is provided.

6 (D) No liability to owners of adjacent upslope property, for
7 subjacent support or otherwise, is created by virtue of the trustee's
8 taking title to the hillside open space.

9 (E) No moneys from the trust fund described in Section 10 of
10 the conversion act may be used to provide direct benefit to the
11 residential development or to other uses of the nontrust portion of
12 the hilltop area adjacent to the hillside open space, or to offset or
13 mitigate impacts caused by those uses.

14 (F) Street parking on the parkway adjacent to the top of the
15 hillside open space may not be restricted for residential parking
16 and shall remain accessible to the public for regional use. In
17 addition, adequate parking areas accessible to the public to support
18 regional use of the hillside open space shall be dedicated in an area
19 adjacent to the lower portion of the hillside open space.

20 (d) For purposes of effectuating the exchange authorized by
21 this section, the commission is authorized to do all of the
22 following:

23 (1) Receive and accept on behalf of the state any lands or
24 interest in lands conveyed to the state by the trustee, including
25 lands that are now and that will remain subject to the public trust.

26 (2) Convey to the trustee by patent all of the right, title, and
27 interest of the state in lands that are to be free of the public trust
28 upon completion of an exchange of lands as authorized by this act
29 and as approved by the commission.

30 (3) Convey to the trustee by patent all of the right, title, and
31 interest of the state in lands that are to be subject to the public trust
32 and the terms of this act and the conversion act upon completion
33 of an exchange of lands as authorized by this act and as approved
34 by the commission, subject to the terms, conditions, and
35 reservations as the commission may determine are necessary to
36 meet the requirements of this act.

37 SEC. 8. Any agreement for the exchange of, or trust
38 termination over, granted tidelands, or to establish boundary lines,
39 entered into pursuant to this act, shall be conclusively presumed
40 to be valid unless held to be invalid in an appropriate proceeding

1 in a court of competent jurisdiction to determine the validity of the
2 agreement commenced within 60 days after the recording of the
3 agreement.

4 SEC. 9. An action may be brought under Chapter 4
5 (commencing with Section 760.010) of Title 10 of Part 2 of the
6 Code of Civil Procedure by the parties to any agreement entered
7 into pursuant to this act to confirm the validity of the agreement.
8 Notwithstanding any provision of Section 764.080 of the Code of
9 Civil Procedure, the statement of decision in the action shall
10 include a recitation of the underlying facts and a determination
11 whether the agreement meets the requirements of this act, Sections
12 3 and 4 of Article X of the California Constitution, and any other
13 law applicable to the validity of the agreement.

14 SEC. 10. The following diagram is a part of this act:



1 INSERT ~~HUNTER'S~~ *HUNTERS* POINT SHIPYARD
2 CONVERSION ACT MAP
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40



1
2 ~~SEC. 11.—The Legislature finds and declares that, because of~~
3 ~~the unique circumstances applicable only to the trust lands~~
4 ~~described in this act, relating to the transfer of the Hunters Point~~
5 ~~Shipyard out of federal ownership, a statute of general~~
6 ~~applicability cannot be enacted within the meaning of subdivision~~
7 ~~(b) of Section 16 of Article IV of the California Constitution.~~
8 ~~Therefore, this special statute is necessary.~~

9 ~~SEC. 12.—Nothing in this act may be construed to nullify the~~
10 ~~trustee's obligations for increasing, improving, and preserving the~~
11 ~~community's supply of low- and moderate-income housing~~
12 ~~imposed by the Community Redevelopment Law (Part 1~~
13 ~~(commencing with Section 33000) of Division 24 of the Health~~
14 ~~and Safety Code), including, but not limited to, the requirements~~
15 ~~of Sections 33334.2 and 33413 of the Health and Safety Code.~~

16 ~~SEC. 13.—Nothing in this act may be construed to authorize the~~
17 ~~development of housing on public trust land.~~

18 ~~SEC. 14.—~~

19 ~~SEC. 11. Section 2 of Chapter 464 of the Statutes of 2002 is~~
20 ~~repealed.~~

21 ~~Sec. 2.—The following definitions apply for purposes of this~~
22 ~~act:~~

23 ~~(a) “Agency” means the San Francisco Redevelopment~~
24 ~~Agency.~~

25 ~~(b) “Burton Act” means Chapter 1333 of the Statutes of 1968,~~
26 ~~as amended.~~

27 ~~(c) “City” means the City and County of San Francisco.~~

28 ~~(d) “Public trust” or “trust” means the public trust for~~
29 ~~commerce, navigation, and fisheries.~~

30 ~~(e) “Redevelopment area” means the project area as described~~
31 ~~in the redevelopment plan, consisting of the Hunters Point~~
32 ~~Shipyard and the Hunters Point submerged lands.~~

33 ~~(f) “Redevelopment plan” means the Hunters Point Shipyard~~
34 ~~Redevelopment Plan adopted by the agency pursuant to Chapter~~
35 ~~4.5 (commencing with Section 33492) of Part 1 of Division 24 of~~
36 ~~the Health and Safety Code.~~

37 ~~(g) “Hunters Point trust lands” means all lands, including tide~~
38 ~~and submerged lands, within the redevelopment area that~~
39 ~~presently, or upon conveyance out of federal ownership, are~~
40 ~~subject to the public trust.~~

(h) ~~“Hunters Point Shipyard” or “Shipyard” means all that real property situate in the City and County of San Francisco, State of California, and depicted on that certain Record of Survey entitled “Hunters Point Shipyard,” filed October 3, 2000, in Book Z of Maps at Pages 135-147, inclusive, Official Records of said County, described as follows:~~

~~Beginning at a point on the boundary of said Shipyard, said point being the intersection of the northeasterly line of Palou Avenue with the southeasterly line of Arelious Walker Drive, as said northeasterly line and said southeasterly line are shown and so designated on said Record of Survey; thence along said boundary the following forty two (42) courses depicted on said Record of Survey:~~

~~(1) South 66°25'05" East 774.37 feet.~~

~~(2) South 74°08'55" East 68.77 feet.~~

~~(3) North 25°47'05" East 177.17 feet.~~

~~(4) North 65°01'12" West 377.67 feet.~~

~~(5) North 51°36'00" West 202.50 feet.~~

~~(6) North 65°32'10" West 227.49 feet.~~

~~(7) North 67°44'21" West 60.90 feet.~~

~~(8) North 69°21'38" West 156.62 feet.~~

~~(9) North 74°41'44" West 78.46 feet.~~

~~(10) North 74°20'28" West 383.85 feet to said northeasterly line of Palou Avenue.~~

~~(11) Along said northeasterly line North 53°20'05" West 25.88 feet to the southeasterly line of Griffith Street.~~

~~(12) Along said southeasterly line North 36°38'03" East 199.69 feet to the southeasterly extension of the southwesterly line of Oakdale Avenue.~~

~~(13) Along said extension North 53°19'35" West 33.05 feet to the former centerline of said Griffith Street.~~

~~(14) Along said former centerline North 36°40'25" East 599.49 feet to the former centerline of McKinnon Avenue.~~

~~(15) Along said former centerline South 53°19'35" East 664.03 feet to the centerline of said Arelious Walker Drive.~~

~~(16) Along said centerline North 36°40'25" East 319.20 feet to the former northeasterly line of LaSalle Avenue.~~

~~(17) Along said former northeasterly line South 53°19'35" East 632.03 feet to the northwesterly line of Earl Street and the beginning of a nontangent curve to the right having a radius of~~

- 1 105.00 feet, through which beginning of curve a radial line bears
2 South $53^{\circ}18'24''$ East.
3 (18) Southwesterly 69.26 feet along said curve through a
4 central angle of $37^{\circ}47'31''$ to a radial line of said curve which
5 bears South $15^{\circ}30'53''$ East
6 (19) Along the southerly prolongation of said radial line South
7 $15^{\circ}30'53''$ East 50.00 feet to the beginning of a nontangent curve
8 to the right having a radius of 20.00 feet, through which beginning
9 of curve a radial line bears North $15^{\circ}30'53''$ West.
10 (20) Easterly 16.92 feet along said curve through a central
11 angle of $48^{\circ}28'06''$ to the former centerline of said Earl Street.
12 (21) Along said former centerline South $36^{\circ}42'05''$ West
13 398.89 feet.
14 (22) North $64^{\circ}13'49''$ West 22.16 feet.
15 (23) South $25^{\circ}46'11''$ West 157.97 feet.
16 (24) South $64^{\circ}13'49''$ East 727.86 feet.
17 (25) North $25^{\circ}46'11''$ East 174.63 feet.
18 (26) North $36^{\circ}38'36''$ East 889.96 feet.
19 (27) North $53^{\circ}03'31''$ West 48.02 feet.
20 (28) North $36^{\circ}49'35''$ East 206.88 feet to the southwest line of
21 Innes Avenue.
22 (29) Along said southwest line North $53^{\circ}19'35''$ West 641.26
23 feet to the centerline of said Earl Street.
24 (30) Along said centerline North $36^{\circ}42'05''$ East 40.00 feet to
25 the centerline of said Innes Avenue.
26 (31) Along said centerline South $53^{\circ}19'35''$ East 32.00 feet to
27 the southeasterly line of said Earl Street (labeled on said Record
28 of Survey as the easterly line of said Earl Street).
29 (32) Along said southeasterly line and its northeasterly
30 extension North $36^{\circ}42'05''$ East 3,151.02 feet to the 1948
31 Bulkhead Line.
32 (33) Along said 1948 Bulkhead Line South $35^{\circ}56'38''$ East
33 2,553.02 feet.
34 (34) South $30^{\circ}48'41''$ West 50.70 feet to the beginning of a
35 nontangent curve to the right having a radius of 1800.00 feet,
36 through which beginning of curve a radial line bears North
37 $21^{\circ}45'47.3''$ East.
38 (35) Southeasterly 2727.35 feet along said curve through a
39 central angle of $86^{\circ}48'51.3''$.

1 ~~(36) North 53°17'47" West 453.20 feet to the 1941 Bulkhead~~
2 ~~Line.~~
3 ~~(37) Along said 1941 Bulkhead Line South 13°41'06" West~~
4 ~~4345.404 feet.~~
5 ~~(38) South 53°17'47" East 235.706 feet to said 1948 Bulkhead~~
6 ~~Line.~~
7 ~~(39) Along said 1948 Bulkhead Line South 12°07'46" West~~
8 ~~1985.64 feet to the San Francisco/San Mateo County Line.~~
9 ~~(40) Along said County line North 88°54'38" West 127.35 feet~~
10 ~~to the southeasterly extension of the northeasterly line of Bancroft~~
11 ~~Avenue.~~
12 ~~(41) Along said extension North 53°17'47" West 7,483.89 feet~~
13 ~~to the southwesterly extension of said southeasterly line of~~
14 ~~Arelious Walker Drive.~~
15 ~~(42) Along said extension and said southeasterly line North~~
16 ~~36°42'13" East 2,800.00 feet to the point of beginning.~~
17 ~~(i) "Hunters Point submerged lands" means all that real~~
18 ~~property situate in the City and County of San Francisco, State of~~
19 ~~California and depicted on that certain Record of Survey entitled~~
20 ~~"Hunters Point Shipyard," filed October 3, 2000, in Book Z of~~
21 ~~Maps at Pages 135-147, inclusive, Official Records of said~~
22 ~~County, and on that certain United States Army Corps of~~
23 ~~Engineers map entitled "San Francisco Bay, California, Harbor~~
24 ~~Lines, San Francisco," Drawing Number 1-4-19, Sheet 8 of 8,~~
25 ~~dated February 13, 1948, on file at the Port of San Francisco,~~
26 ~~Department of Engineering, San Francisco, described as follows:~~
27 ~~Beginning at a point on the boundary of said Shipyard as shown~~
28 ~~on said Record of Survey, said point being the intersection of the~~
29 ~~northeasterly extension of the southeasterly line of Earl Street~~
30 ~~(labeled on said Record of Survey as the easterly line of said Earl~~
31 ~~Street) with the 1948 Bulkhead Line, as shown on said Record of~~
32 ~~Survey; thence along said northeasterly extension North~~
33 ~~36°42'05" East 838.15 feet, more or less, to the Pierhead Line, as~~
34 ~~shown on said Record of Survey and on said United States Army~~
35 ~~Corps of Engineers map; thence along said Pierhead Line South~~
36 ~~35°56'38" East 4627.85 feet and South 13°41'06" West 7538.62~~
37 ~~feet, more or less, to the San Francisco/San Mateo County Line;~~
38 ~~thence along said County Line North 88°54'38" West 542.21 feet,~~
39 ~~more or less, to said 1948 Bulkhead Line and said boundary of said~~
40 ~~Shipyard; thence along said boundary the following seven (7)~~

~~1 courses depicted on said Record of Survey: along said 1948
2 Bulkhead Line North 12°07'46" East 1985.64 feet; North
3 53°17'47" West 235.706 feet to the 1941 Bulkhead Line; along
4 said 1941 Bulkhead Line North 13°41'06" East 4345.404 feet;
5 South 53°17'47" East 453.20 feet to the beginning of a nontangent
6 curve to the left having a radius of 1800.00 feet, through which
7 beginning of curve a radial line bears South 71°25' 21.3" East;
8 northwesterly 2727.35 feet along said curve through a central
9 angle of 86°48' 51.3"; North 30°48'41" East 50.70 feet to said
10 1948 Bulkhead Line, and along said 1948 Bulkhead Line North
11 35°56'38" West 2553.02 feet to the point of beginning.~~

~~12 SEC. 12. Section 2 is added to Chapter 464 of the Statutes of
13 2002, to read:~~

~~14 Sec. 2. The following definitions apply for purposes of this
15 act:~~

~~16 (a) "Agency" means the San Francisco Redevelopment
17 Agency.~~

~~18 (b) "Burton Act" means Chapter 1333 of the Statutes of 1968,
19 as amended.~~

~~20 (c) "City" means the City and County of San Francisco.~~

~~21 (d) "Public trust" or "trust" means the public trust for
22 commerce, navigation, and fisheries.~~

~~23 (e) "Redevelopment area" means the project area as described
24 in the redevelopment plan, consisting of the Hunters Point
25 Shipyard and the Hunters Point submerged lands.~~

~~26 (f) "Redevelopment plan" means the Hunters Point Shipyard
27 Redevelopment Plan adopted by the agency pursuant to Chapter
28 4.5 (commencing with Section 33492) of Part 1 of Division 24 of
29 the Health and Safety Code.~~

~~30 (g) "Hunters Point trust lands" means all lands, including tide
31 and submerged lands, within the redevelopment area that
32 presently, or upon conveyance out of federal ownership, are
33 subject to the public trust.~~

~~34 (h) "Hunters Point Shipyard" or "Shipyard" means all that
35 real property situate in the City and County of San Francisco, State
36 of California, described as follows:~~

~~37 Beginning at the intersection of the southeasterly line of Fitch
38 Street (64 feet wide) with the northeasterly line of Palou Avenue
39 (80 feet wide), said intersection also being in the southerly line of
40 the Lands of Lowpensky as described in that document filed in the~~

1 Office of the County Recorder of said County in Book D238
2 Official Records at page 80; thence easterly along the southerly
3 line of said Lands of Lowpensky to the southeasterly corner of the
4 said Lands of Lowpensky being also the southwesterly corner of
5 the Lands of the Regents of University of California as described
6 in that document filed in the Office of the County Recorder of said
7 County in Book C562 Official Records at page 582; thence
8 easterly, northerly and northwesterly along the southerly, easterly
9 and northeasterly lines of said Lands of the Regents to the
10 northwesterly corner of said Lands of the Regents and also being
11 the northeasterly corner of said Lands of Lowpensky. Thence
12 northwesterly along the northeasterly line of said Lands of
13 Lowpensky to the most westerly corner of said Lands of
14 Lowpensky, being also a point in the northeasterly line of said
15 Palou Avenue; thence northwesterly along the northeasterly line
16 of said Palou Avenue to the southeasterly line of Griffith Street (64
17 feet wide); thence northeasterly along the southeasterly line of
18 said Griffith Street 200 feet to the southwesterly line of Oakdale
19 Avenue (80.00 feet wide); thence northwesterly along the
20 southwesterly line of said Oakdale Avenue, 32 feet to the centerline
21 of said Griffith Street; thence northeasterly along the centerline of
22 said Griffith Street 600 feet to the centerline of McKinnon Avenue
23 (80 feet wide); thence southeasterly along the centerline of said
24 McKinnon Avenue 664 feet to the centerline of said Fitch Street (64
25 feet wide); thence northeasterly along the centerline of said Fitch
26 Street 320 feet to the northeasterly line of La Salle Avenue (80 feet
27 wide); thence southeasterly along the northeasterly line of said La
28 Salle Avenue, 632 feet to the northwesterly line of Earl Street (64
29 feet wide) and an angle point in the northwesterly boundary of
30 Inchon Village as shown on the 'Map of Inchon Village' filed in the
31 Office of the County Recorder of said County in Book 17 of
32 Condominium Maps at pages 112 through 130; thence
33 southwesterly along the northwesterly boundary of said Inchon
34 Village to the centerline of McKinnon Avenue (80 feet wide) and
35 the most northerly corner of the Lands of Crisp Building, Inc.,
36 described in that certain document filed in the Office of the County
37 Recorder of said County in Book D767 Official Records at page
38 1051; thence southwesterly, southeasterly and northeasterly along
39 the northwesterly, southwesterly and southeasterly lines of said
40 Lands of Crisp Building, Inc. to the most easterly corner of said



1 *Lands of Crisp Building, Inc., being also the most southerly corner*
2 *of the land shown on the “Parcel Map of Inchon and Solomon*
3 *Village” filed in the Office of the County Recorder of said County*
4 *in Book 17 of Parcel Maps at page 77 and the centerline of said*
5 *McKinnon Avenue; thence northeasterly along the southeasterly*
6 *line of said Inchon and Solomon Village to the most easterly corner*
7 *of said Inchon and Solomon village and the southwesterly line of*
8 *Innes Avenue (80.00 feet wide); thence northwesterly along the*
9 *southwesterly line of said Innes Avenue 641 feet to the centerline*
10 *of said Earl Street (64 feet wide); thence northeasterly along the*
11 *centerline of said Earl Street 40 feet to the centerline of said Innes*
12 *Avenue; thence southeasterly along the centerline of said Innes*
13 *Avenue 32 feet to the southeasterly line of said Earl Street; thence*
14 *northeasterly along the southeasterly line of said Earl Street and*
15 *its prolongation 3,151 feet to the 1948 Bulkhead Line as shown on*
16 *the map entitled “Real Estate Summary Map NAVFAC Drawing*
17 *No. 1045757” on file at the Department of the Navy, WESTDIV,*
18 *San Bruno, California; thence southeasterly along said 1948*
19 *Bulkhead Line and the northeasterly line of that certain property*
20 *conveyed in declaration of taking, Civil Action No. 22147 as*
21 *shown on said summary map 2,553 feet more or less to a point on*
22 *a line parallel with and 450 feet southeasterly of the southeasterly*
23 *line of Boalt Street (64 feet wide), thence southwesterly along said*
24 *parallel line a distance of 52 feet more or less to the northeasterly*
25 *line of the land described in the deed filed in Book 3677 of Official*
26 *Records at page 349 in the Office of the County Recorder of said*
27 *County, said northeasterly line being the arc of a curve, concave*
28 *southwesterly and having a radius of 1,800 feet; thence*
29 *southeasterly and southerly along said arc to the southeasterly*
30 *prolongation of the northeasterly line of Evans Avenue (80 feet*
31 *wide); thence northwesterly along said prolongation and said*
32 *northeasterly line of Evans Avenue, to the 1941 Bulkhead Line as*
33 *shown on said summary map; thence southerly along said 1941*
34 *Bulkhead Line, to the northeasterly line of that certain property*
35 *conveyed in declaration of taking, Civil Action No. 36272 as*
36 *shown on said summary map; thence southeasterly along said*
37 *northeasterly line to said 1948 Bulkhead Line as shown on said*
38 *summary map; thence southerly along said 1948 Bulkhead Line to*
39 *the line dividing the City and County of San Francisco from the*
40 *County of San Mateo; thence westerly along said county line 127*



1 feet more or less to the southeasterly prolongation of the
2 northeasterly line of Bancroft Avenue (80 feet wide); thence
3 northwesterly along said prolongation and said northeasterly line
4 of said Bancroft Avenue 7,484 feet more or less to the southeasterly
5 line of said Fitch Street (64 feet wide); thence northeasterly along
6 the southeasterly line of said Fitch Street 2,800 feet to the point of
7 beginning.

8 (i) “Hunters Point submerged lands” means all that real
9 property situate in the City and County of San Francisco, State of
10 California, described as follows:

11 Beginning at the intersection of the northeasterly prolongation
12 of the southeasterly line of Earl Street (64 feet wide) with the 1948
13 Bulkhead Line as shown on the map entitled “Real Estate
14 Summary Map NAVFAC Drawing No. 1045757” on file at the
15 Department of the Navy, WESTDIV, San Bruno, California; thence
16 southeasterly along said 1948 Bulkhead Line and the
17 northeasterly line of that certain property conveyed in declaration
18 of taking, Civil Action No. 22147 as shown on said summary map
19 to a line parallel with and 450 feet southeasterly of the
20 southeasterly line of Boalt Street (64 feet wide); thence
21 southwesterly along said parallel line to the northeasterly line of
22 the land described in the deed filed in Book 3677 of Official
23 Records at page 349 in the Office of the County Recorder of said
24 county, said northeasterly line being the arc of a curve, concave
25 southwesterly and having a radius of 1,800 feet; thence
26 southeasterly and southerly along said arc to the southeasterly
27 prolongation of the northeasterly line of Evans Avenue (80 feet
28 wide); thence northwesterly along said prolongation and said
29 northeasterly line of Evans Avenue to the 1941 Bulkhead Line as
30 shown on said summary map; thence southerly along said 1941
31 Bulkhead Line to the northeasterly line of that certain property
32 conveyed in declaration of taking, Civil Action No. 36272 as
33 shown on said summary map; thence southeasterly along said
34 northeasterly line to said 1948 Bulkhead Line as shown on said
35 summary map; thence southerly along said 1948 Bulkhead Line to
36 the line dividing the City and County of San Francisco from the
37 County of San Mateo; thence easterly along said county line to the
38 United States Pierhead Line as shown on the map entitled
39 “Hunters Point Naval Shipyard, General Development Map, Key
40 Map No. 1174922” on file at the Department of the Navy, Western

1 *Division San Bruno, California; thence northeasterly and*
2 *northwesterly along said Pierhead Line as shown on said General*
3 *Development Map to said northeasterly prolongation of the*
4 *southeasterly line of said Earl Street (64 feet wide); thence*
5 *southwesterly along said prolongation of the southeasterly line of*
6 *said Earl Street to the said 1948 Bulkhead Line and the point of*
7 *beginning.*

8 *SEC. 13.* Section 4.5 is added to Chapter 464 of the Statutes
9 of 2002, to read as follows:

10 Sec. 4.5. Notwithstanding Section 6359 of the Public
11 Resources Code or any other provision of law, the grant of the
12 Hunters Point trust lands to the agency shall be deemed effective
13 as of the effective date of this act, and the grant of the Hunters Point
14 submerged lands to the agency shall be deemed effective upon
15 conveyance by the federal government to the agency of any piers
16 or other appurtenances located in part on the Hunters Point
17 submerged lands.

18 ~~SEC. 15.—~~

19 *SEC. 14.* Section 9.5 is added to Chapter 464 of the Statutes
20 of 2002, to read as follows:

21 Sec. 9.5. (a) Notwithstanding any other provision of this act,
22 the buildings, or any portion of a building, identified by the State
23 Historic Preservation Officer as contributors to the Hunters Point
24 Commercial Drydock Historic District, commonly known as the
25 Gatehouse (Building 204), Pumphouse 2 (Building 205),
26 Pumphouse 3 (Building 140) and the Tool and Paint Building
27 (Building 207), may be used for purposes not otherwise consistent
28 with the public trust provided the trustee makes a finding that there
29 are no trust uses available that would allow for the restoration and
30 preservation of the space. Any lease renewal, extension, or
31 granting of a new lease for a nontrust purpose shall require a new
32 finding that no trust uses are then available that would allow for
33 the restoration and preservation of the building, or a part of it.

34 (b) If any of the buildings described in subdivision (a) is used
35 for a nontrust purpose, and is remodeled, renovated, or used in a
36 manner that is inconsistent with the Secretary of the Interior's
37 Standards for the Treatment of Historic Properties with Guidelines
38 for Preserving, Rehabilitating, Restoring and Reconstructing
39 Historic Buildings as implemented by the exchange agreement,
40 the building shall be put to a public trust use from the



commencement of the inconsistent remodel, renovation, or use, unless the continued nonpublic trust use is then authorized to continue under Section 8 of Chapter 464 of the Statutes of 2002.

(c) If any of the buildings described in subdivision (a) are demolished, subsequent use of the land and any replacement structures shall be consistent with the public trust and the requirements of this act.

~~SEC. 16.~~

SEC. 15. Section 16 of Chapter 464 of the Statutes of 2002 is amended to read:

Sec. 16. Upon written agreement between the agency and the San Francisco Port Commission, and approval by the State Lands Commission, the agency may transfer some or all of the Hunters Point trust lands to the city. All of the right, title, and interest granted to the agency under this act in any lands transferred to the city under this section shall, upon transfer, be granted to and vest in the city. The city, by and through its port commission, shall hold the transferred lands subject to the public trust and shall assume authority as trust administrator over those lands. Lands transferred to the city under this section shall be subject to the Burton Act and shall no longer be subject to this act, except that Section 9.5 of this act shall remain applicable to those lands.

SEC. 16. *Nothing in this act may be construed to nullify the trustee's obligations for increasing, improving, and preserving the community's supply of low- and moderate-income housing imposed by the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), including, but not limited to, the requirements of Sections 33334.2 and 33413 of the Health and Safety Code.*

SEC. 17. *Nothing in this act may be construed to authorize the development of housing on public trust land.*

SEC. 18. *The Legislature finds and declares that, because of the unique circumstances applicable only to the trust lands described in this act, relating to the transfer of the Hunters Point Shipyard out of federal ownership, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.*